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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,663	02/28/2002	Georges De Sousa-Calico Philippe	00144 -219 US	2305

7590 11/05/2004

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EXAMINER

YOUNG, JOHN L

ART UNIT

PAPER NUMBER

3622

DATE MAILED: 11/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

<b>Application No.</b> 10/086,663  <b>Examiner</b> John L Young	<b>Applicant(s)</b> PHILIPPE ET AL.  <b>Art Unit</b> 3622
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 28 February 2002.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received

JOHN LEONARD YOUNG, ESO  
PRIMARY EXAMINER

- 10-31-2004
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/31/2004.

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## **FIRST ACTION REJECTION**

**(Paper# 10/31/2004)**

### **DRAWINGS**

1. This application has been filed with drawings that are considered informal; said drawings are acceptable for examination purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

### **CLAIM REJECTIONS – 35 U.S.C. §103( a )**

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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2. Claims 1-7 are rejected under 35 U.S.C. §103( a ) as being obvious over Van Laethem US 6,535,770 (03/18/2003) [US f/d: 04/28/2000] (herein referred to as “Van Laethem ”).

As per independent claim 1, Van Laethem (the ABSTRACT; FIG. 4; FIG. 5; FIG. 8 through FIG. 10; col. 1, ll. 10-15; col. 1, ll. 35-50; col. 1, ll. 56-67; col. 2, ll. 1-17; col. 2, ll. 30-67; col. 3, ll. 1-10; col. 4, ll. 26-34; col. 5, ll. 8-67; col. 6, ll. 1-3; col. 6, ll. 53-60; col. 7, ll. 1-25; col. 7, ll. 32-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-35; and whole document) implicitly shows an: “Adaptable, personalized and sector-based animation system for transmitting a music programme, messages, smells, digital images and lights on the basis of pre-established but adaptable programmes, characterized in that it comprises a management and control center linked to at least one local station connected to an animation system incorporating an audio system to which it supplies the audio signals to be transmitted. . . .”

Van Laethem (the ABSTRACT; FIG. 4; FIG. 5; FIG. 8 through FIG. 10; col. 1, ll. 10-15; col. 1, ll. 35-50; col. 1, ll. 56-67; col. 2, ll. 1-17; col. 2, ll. 30-67; col. 3, ll. 1-10; col. 4, ll. 26-34; col. 5, ll. 8-67; col. 6, ll. 1-3; col. 6, ll. 53-60; col. 7, ll. 1-25; col. 7, ll. 32-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-35; and whole document) also implicitly shows “the center . . . comprising . . . a micro-computer. . . .” elements and limitations, and “input” elements and limitations, and “direct access means for accessing a local station” elements and limitations, and “audio compression” and “decompression” elements and limitations, and “a central unit” elements and limitations, and “compiling”.

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elements and limitations, and “the transmission of signals to the audio system . . . being managed locally. . . .”

Van Laethem lacks explicit recital of “a planner for the samples and messages. . . .”; however,

Van Laethem (col. 1, ll. 17-20) discloses: “*Another system displays for a preset time period an advertising poster. . . .*” The Examiner interprets this disclosure as implicitly showing “a planner for the samples and messages. . . .”

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Van Laethem (col. 1, ll. 17-20; and whole document) implicitly shows “a planner for the samples and messages. . . .”, and it would have been obvious to modify and interpret the disclosure of Van Laethem (col. 1, ll. 17-20; and whole document) cited above as implicitly showing, because modification and interpretation of the cited disclosure of Van Laethem would have provided means to “*remedy boredom when observing a graphical . . . representation by means of an animation device. . . .*”, based on the motivation to modify Van Laethem so as to be “*adapted to create an effect of surprise and variety. . . .*” (See Van Laethem (col. 1, ll. 17-20)).

As per dependent claim 2, Van Laethem shows the system of claim 1.

Van Laethem (the ABSTRACT; FIG. 4; FIG. 5; FIG. 8 through FIG. 10; col. 1, ll. 10-15; col. 1, ll. 35-50; col. 1, ll. 56-67; col. 2, ll. 1-17; col. 2, ll. 30-67; col. 3, ll. 1-10;

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col. 4, ll. 26-34; col. 5, ll. 8-67; col. 6, ll. 1-3; col. 6, ll. 53-60; col. 7, ll. 1-25; col. 7, ll. 32-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-35; and whole document) implicitly shows “the center . . . transmits the information and the files to a local station. . . .”

Van Laethem lacks explicit recital of “a telephone network”; however,

Van Laethem (FIG. 4 and FIG. 5) implicitly shows: “a telephone network. . . .”

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Van Laethem (FIG. 4 and FIG. 5) implicitly shows a “a telephone network. . . .”, and it would have been obvious to modify and interpret the disclosure of Van Laethem (FIG. 4 and FIG. 5) cited above as implicitly showing “a telephone network. . . .”, because modification and interpretation of the cited disclosure of Van Laethem would have provided means to *“remedy boredom when observing a graphical . . . representation by means of an animation device. . . .”*, based on the motivation to modify Van Laethem so as to be *“adapted to create an effect of surprise and variety. . . .”* (See Van Laethem (col. 1, ll. 17-20)).

As per dependent claim 3, Van Laethem shows the system of claim 1.

Van Laethem (the ABSTRACT; FIG. 4; FIG. 5; FIG. 8 through FIG. 10; col. 1, ll. 10-15; col. 1, ll. 35-50; col. 1, ll. 56-67; col. 2, ll. 1-17; col. 2, ll. 30-67; col. 3, ll. 1-10; col. 4, ll. 26-34; col. 5, ll. 8-67; col. 6, ll. 1-3; col. 6, ll. 53-60; col. 7, ll. 1-25; col. 7, ll. 32-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-35; and whole document) implicitly shows “the center . . . transmits the information and the files to a local station. . . .”

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Van Laethem lacks explicit recital of “the Internet”; however,

Van Laethem (FIG. 4 and FIG. 5) implicitly shows: “the Internet. . .”

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Van Laethem (FIG. 4 and FIG. 5) implicitly shows a “the Internet. . .”, and it would have been obvious to modify and interpret the disclosure of Van Laethem (FIG. 4 and FIG. 5) cited above as implicitly showing “the Internet. . .”, because modification and interpretation of the cited disclosure of Van Laethem would have provided means to “*remedy boredom when observing a graphical . . . representation by means of an animation device. . .*”, based on the motivation to modify Van Laethem so as to be “*adapted to create an effect of surprise and variety. . .*” (See Van Laethem (col. 1, ll. 17-20)).

Dependent claim 4 is rejected for substantially the same reasons as the rejection of dependent claim 3.

Dependent claim 5 is rejected for at least the same reasons as the “planner” element rejection of claim 1.

Dependent claims 6 & 7 are rejected for at least the same reasons as the “smell” (i.e., Van Laethem’s (col. 6, ll. 54-60) “*perfume diffusers*” ) disclosure elements of claim 1.

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## CONCLUSION

3. Any response to this action should be mailed to:

Commissioner for Patents  
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Any response to this action may be sent via facsimile to either:

(703)305-7687 (for formal communications EXPEDITED PROCEDURE) or

(703) 305-7687 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Seventh Floor Receptionist  
Crystal Park V  
2451 Crystal Drive  
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

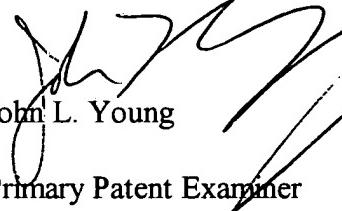
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Serial Number: 10/086,663

(Phillippe et al.)

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**JOHN LEONARD YOUNG, ESQ.**  
**PRIMARY EXAMINER**

John L. Young

Primary Patent Examiner

October 31, 2004